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13284 U.S. PTO

PATENT
Customer Number 22,852
Attorney Docket No. 09138.0006-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Prior Application Art Unit: 1634 Prior Application Examiner: J. Fredman

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior U.S. Application No. 09/544,934 filed April 7, 2000, which is a Divisional of 08/943,777 filed October 3, 1997, in the name of Henrik STENDER, Kaare LUND and Tina ANDERSON MOLLERUP, for
NOVEL PROBES FOR THE DETECTION OF MYCOBACTERIA

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior U.S. Application No. 09/544,934 as originally filed on April 7, 2000, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125. The undersigned hereby verifies that no new matter is added in this substitute specification.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ Cancel claims 2-36.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at item 4 above.

Basic Application Filing Fee					\$770	\$ \$770.00
	Number of Claims		Basic	Extra Claims		
Total Claims	1	-	20	6	x \$18	0.00
Independent Claims	1	-	3	0	x \$86	0.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$290	
Subtotal						\$ 770.00
Reduction by 1/2 if small entity						-
TOTAL APPLICATION FILING FEE						\$ 770.00

6. ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☐ New acceptable drawings are enclosed.
9. ☒ The prior application is assigned of record to: Dako A/S, Glostrup, Denmark
10. ☒ Priority of Application Nos. 1096/96, filed on October 4, 1996 in Denmark; 1156/96, filed on October 18, 1996 in Denmark; 0512/97, filed on May 5, 1997 in the United Kingdom; 60/028392, filed on October 15, 1996 in the USA; 60/029595, filed on October 23, 1996 in the USA; and 60/045962, filed on May 8, 1997 in the USA is claimed under 35 U.S.C. § 119. Certified copies of the foreign priority applications
☐ is enclosed or ☒ are on file in U.S. application No. 08/943,777.
11. ☐ Small entity status is appropriate and applies to this application.
12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry

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13. ☐ The power appears in the original declaration of the prior application.
14. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

15. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
16. ☐ Recognize as associate attorney _____
17. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 09/544,934, filed April 7, 2000, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 25, 2004

By: Reg No 36,532
for Anthony C. Tridico
Reg. No. 45,958